

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Lucien H. Groleau

v.

Civil No. 10-cv-190-JL

American Express Financial
Advisors, Inc. (n/k/a Ameriprise
Financial Services, Inc.),
Smith, Sweeney & Associates, Inc.,
Peter H. Smith, and Jeremy Sweeney

PROCEDURAL ORDER

As discussed with the parties during the telephone conference on April 6, 2011, this court is not prepared to resolve the waiver and laches defenses on the pleadings, see Fed. R. Civ. P. 12(c), without further development of a factual record, particularly with respect to plaintiff Lucien Groleau's reasons for not pursuing arbitration earlier and the extent, if any, to which the defendants were prejudiced by his delay. The defendants' motion for judgment on the pleadings (document no. 16) is therefore DENIED.

Given that this case raises a narrow set of issues and that a speedy resolution is in the interest of all parties, discovery will be expedited, see Fed. R. Civ. P. 26(b)(2), and shall proceed as follows:

- The parties shall have **60 days** from the date of this order to conduct and complete discovery.
- Each side shall be confined to a **maximum of 10 written interrogatories, 5 document requests, and 2 depositions (not**

including any expert depositions). The interrogatories and document requests, if any, shall be propounded within **10 days** of this order and answered within 10 days of receipt.

- Expert disclosures, if any, shall be made by the plaintiff within **20 days** of this order, and by the defendants within **10 days** of receiving plaintiff's disclosures, allowing time for the experts to be deposed before the close of discovery.
- The deadline for joinder of additional parties, amendment of pleadings, and disclosure by the defendants of claims that unnamed parties are at fault for the plaintiff's claim, see DeBenedetto v. CLD Consulting Eng'rs, Inc., 153 N.H. 793 (2006), shall be **10 days** from the date of this order.
- The deadline for filing summary judgment motions shall be **15 days after the close of discovery**. In the event that no summary judgment motion is filed, the parties shall mutually confer and contact the clerk's office to schedule a bench trial within **60 days** of the close of discovery.
- If necessary, the parties may seek leave of court to extend these deadlines or exceed these limitations, stating specifically the grounds for any such request.

Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If party or counsel prefer traditional discovery litigation to the conference

call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the Magistrate Judge.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: April 20, 2011

cc: James C. Wheat, Esq.
David Viens, Esq.
Louis M. Ciavarra, Esq.
James M. Callahan, Esq.